

Notice of Allowability

Application No.

10/659,167

Examiner

Joseph Kosack

Applicant(s)

ZHOU ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Reply to Non-Final Rejection filed on April 10, 2006.
2. ☒ The allowed claim(s) is/are 1, 4-10, 12, 14, 17, 18, 25, 26, 30 and 31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Claims 1, 4-10, 12, 14, 17-18, 25-26, and 30-31 are pending in the instant application.

Amendments

The amendment filed on April 10, 2006 has been acknowledged and has been entered into the record.

Election/Restrictions

Applicant elected Group I (Claims 1-26 and 30) in the reply filed on November 21, 2005 along with an election of species with traverse. The restriction requirement was made final in the action mailed on January 10, 2006.

Status of the Claims

In the amendment filed on April 10, 2006, claims 2-3, 11, 13, 15-16, 19-24, and 27-29 were cancelled and claim 31 was added. Claim 31 is a compound claim and has been grouped in Group I of the restriction requirement mailed on October 25, 2005. Claims 1, 4-10, 12, 14, 17-18, 25-26, and 30-31 are now pending in the instant application.

Previous Claim Objections

Claims 1-10, 12-26, and 30 were objected to in the action mailed out on January 10, 2006 for containing elected and non-elected subject matter. The amendment filed April 10, 2006 has cancelled the non-elected subject matter, and the objections have been withdrawn.

Previous Double Patenting Rejections

In the action mailed out on January 10, 2006, Claims 1-4, 6-10, 13, 26, and 30 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 32, and 42 of USPN 6,458,802 in view of Patani et al. (*Chem. Rev.* 1996, 3147-3176). Applicant's arguments in the reply filed on April 10, 2006 were found to be persuasive, and the rejections have been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wendy Choi on May 23, 2006. The application has been amended as follows:

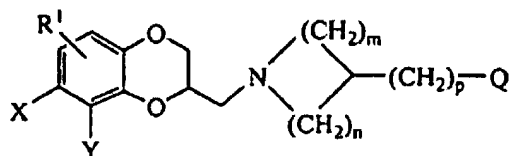
In claim 31, line 15, insert ---and--- after 'quinoline,'.

In claim 31, line 17, delete "and" and insert ---or a---.

In claim 31, line 18, delete "salts" and insert ---salt---.

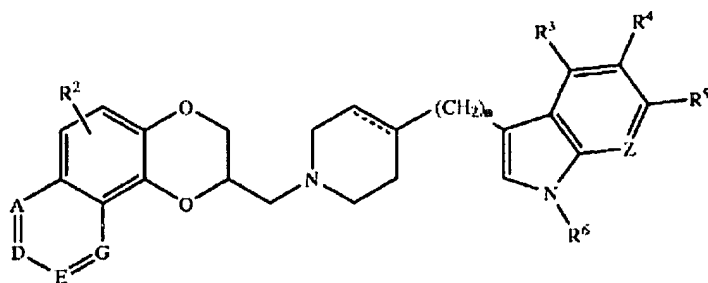
Reasons for Allowance

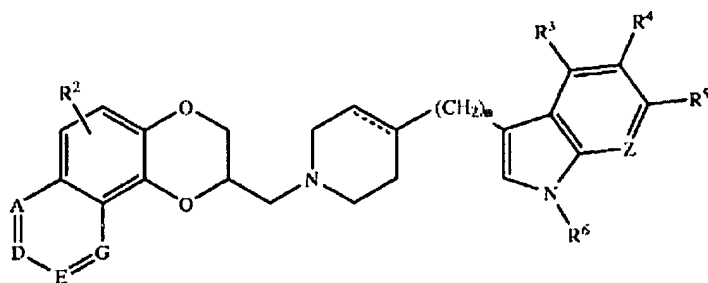
The present invention is directed to compounds of Formula I:



with substitutions as defined and the

pharmaceutical composition of the compounds. The closest prior art teaches



compounds of the formula , but do not teach specifically the substitutions for R¹, R², and R³. Therefore, claims 1, 4-10, 12, 14, 17-18, 25-26, and 30-31 are allowed. The restriction requirement made on October 25, 2005 is hereby withdrawn.

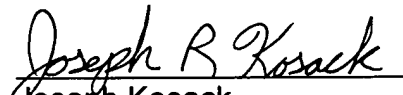
Telephone Inquiry

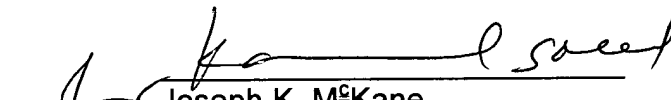
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph Kosack
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Joseph K. McKane
Supervisory Patent Examiner
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